

Panaji, 5th September, 1985 (Bhadra 14, 1907)

SERIES I No. 23

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN
AND DIU

Finance Department

Expenditure, Revenue and Control Branch

Notification

Fin (Exp)/18 — 2/vol. II

In exercise of powers conferred by the proviso to article 309 of the Constitution read with the Government of India, Ministry of External Affairs letter No. F. 7(11)/62-Goa, dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendments and additions to the Rules framed under Notification No. F. 4/18-2/66/Vol. II/1568 dated 25-12-1966 in pursuance of the conditions prescribed under columns 9 and 12 of the schedule to the Goa Government Accountants (Non-Ministerial, Non-Gazetted) Posts Recruitment Rules 1966 published under Government Notification dated 29-10-1966 in Government Gazette No. 39 Series I dated 29-12-1966: —

In rule 1 of Section I of the Notification dated 25-12-1966 after sub para (ii) the following para shall be added:

“(iii) By absorption of Accountants of autonomous bodies which are taken over by Government provided that they possess the minimum educational qualifications prescribed under the Recruitment Rules for the post of Accountants in the Goa, Daman and Diu Accounts Cadre. Each case of such absorption shall have the specific approval of the Government. The Initial Recruitment Examination and one year's training prescribed for Accountants as indicated in the following paragraphs may be dispensed with in their cases. They shall be absorbed in the Accounts Cadre along with the posts they are holding, only after they have passed the final examination for Accountants indicated in Section III of these Rules. Their seniority shall be reckoned from the date of the examination in which they are declared passed finally.”

By order and in the name of the Administrator of Goa, Daman and Diu.

Dr. S. K. Gandhe, Finance Secretary.

Panaji, 20th August, 1985.

Law Department

Legal Affairs Branch

Notification

LD/1/9/85-(D),

The Estate Duty (Amendment) Act, 1984 (No. 53 of 1984) which has been passed by Parliament and assented to by the President on 23-8-84 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 23-8-84, and the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1984 (No. 58 of 1984) and the University Grants Commission (Amendment) Act, 1984 (No. 59 of 1984) which were passed by Parliament and assented to by the Parliament on 30-8-84 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 31-8-84, are hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 25th March, 1985.

The Estate Duty (Amendment) Act, 1984

AN

ACT

further to amend the Estate Duty Act, 1953.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows: —

1. **Short title.** — This Act may be called the Estate Duty (Amendment) Act, 1984.

2. **Amendment of section 5A.** — In section 5A of the Estate Duty Act, 1953 (hereinafter referred to as the principal Act), after sub-section (2B), the following sub-section shall be inserted, namely: —

“(2C) The amendments made to this Act by sections 3 to 5 of the Estate Duty (Amendment) Act, 1984, shall apply to estate duty in respect of agricultural lands situate in the territories comprised in —

(a) the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Orissa and

Tamil Nadu and all the Union territories, on the expiration of two months from the date on which the said Act received the assent of the President; and

(b) any other States in respect whereof resolutions have been passed by the Legislatures of those States adopting the proposals with respect to such amendments or the said amendments, as the case may be, under clause (1) of article 252 of the Constitution, on the expiration of four months from the date of such adoption.”

3. Insertion of new section 5B. — After section 5A of the principal Act, the following section shall be inserted, namely: —

“5B. Act to cease to apply to estate duty in respect of agricultural land. — Notwithstanding anything contained in section 5, this Act shall cease to apply to the levy of estate duty in respect of agricultural land.”

4. Amendment of section 34. — In section 34 of the principal Act, —

(a) in sub-section (1), —

(i) in clause (a), the word “and” shall be inserted at the end;

(ii) clause (b) shall be omitted;

(b) in the *Explanation* below sub-section (2), clause (ii) shall be omitted.

5. Amendment of section 85. — In section 85 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely: —

“(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1984

AN

ACT

further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1984.

(2) It shall be deemed to have come into force on the 13th day of July, 1984.

2. Substitution of new section for section 9. — In the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as the principal Act), for section 9, the following section shall be substituted, namely: —

9. Cases in which and circumstances under which persons may be detained for periods longer than three months without obtaining the opinion of Advisory Board. — (1) Notwithstanding anything contained in this Act, any person (including a foreigner) in respect of whom an order of detention is made under this Act at any time before the 31st day of July, 1987, may be detained without obtaining in accordance with the provisions of sub-clause (a) of clause (4) of article 22 of the Constitution, the opinion of an Advisory Board for a period longer than three months but not exceeding six months from the date of his detention, where the order of detention has been made against such person with a view to preventing him from smuggling goods or abetting the smuggling of goods or engaging in transporting or concealing or keeping smuggled goods and the Central Government or any officer of the Central Government; not below the rank of an Additional Secretary to that Government, specially empowered for the purposes of this section by that Government, is satisfied that such person —

(a) smuggles or is likely to smuggle goods into, out of or through any area highly vulnerable to smuggling; or

(b) abets or is likely to abet the smuggling of goods into, out of or through any area highly vulnerable to smuggling; or

(c) engages or is likely to engage in transporting or concealing or keeping smuggled goods in any area highly vulnerable to smuggling,

and makes a declaration to that effect within five weeks of the detention of such person.

Explanation 1. — In this sub-section, “area highly vulnerable to smuggling” means —

(i) the Indian customs waters contiguous to the States of Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry;

(ii) the inland area fifty kilometres in width from the coast of India falling within the territories of the States of Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry;

(iii) the inland area fifty kilometres in width from the India-Pakistan border in the States of Gujarat, Jammu and Kashmir, Punjab and Rajasthan;

(iv) the customs airport of Delhi; and

(v) such further or other Indian customs waters, or inland area not exceeding one hundred kilometres in width from any other coast or border of India, or such other customs station, as the Central Government may, having regard to the vulnerability of such waters, area or customs station, as the case may be, to smuggling, by notification in the Official Gazette, specify in this behalf.

Explanation 2. — For the purposes of *Explanation 1*, “customs airport” and “customs station” shall have the same meaning as in clauses (10) and (13) of section 2 of the Customs Act, 1962, respectively. 52 of 1962

(2) In the case of any person detained under a detention order to which the provisions of sub-section (1) apply, section 8 shall have effect subject to the following modifications, namely: —

(i) in clause (b), for the words “shall, within five weeks”, the words “shall, within four months and two weeks” shall be substituted;

(ii) in clause (c), —

(1) for the words “the detention of the person concerned”, the words “the continued detention of the person concerned” shall be substituted;

(2) for the words “eleven weeks”, the words “five months and three weeks” shall be substituted;

(iii) in clause (f), for the words “for the detention”, at both the places where they occur, the words “for the continued detention” shall be substituted.

3. **Repeal and saving.** — (1) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1984, is hereby repealed. 8 of 1984

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

The University Grants Commission (Amendment) Act, 1984

AN

ACT

further to amend the University Grants Commission Act, 1956.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows: —

1. **Short title and commencement.** — (1) This Act may be called the University Grants Commission (Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 3 of 1956.

2. **Amendment of section 12.** — In section 12 of the University Grants Commission Act, 1956 (hereinafter referred to as the principal Act), after clause (cc), the following clause shall be inserted, namely: —

“(ccc) establish, in accordance with the regulations made under this Act, institutions for providing common facilities, services and programmes

for a group of universities or for the universities in general and maintain such institutions or provide for their maintenance by allocating and disbursing out of the Fund of the Commission such grants as the Commission may deem necessary;”.

3. **Insertion of new section 12A.** — In the principal Act, section 12A shall be renumbered as section 12B, and before section 12B as so renumbered, the following section shall be inserted, namely: —

‘12A. **Regulation of fees and prohibition of donation in certain cases.** — (1) In this section, —

(a) “affiliation”, together with its grammatical variations, includes, in relation to a college, recognition of such college by, association of such college with, and admission of such college to the privileges of, a university;

(b) “college” means any institution, whether known as such or by any other name which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;

(c) “prosecution”, in relation to a course of study, includes promotion from one part or stage of the course of study to another part or stage of the course of study;

(d) “qualification” means a degree or any other qualification awarded by a university;

(e) “regulations” means regulations made under this Act;

(f) “specified course of study” means a course of study in respect of which regulations of the nature mentioned in sub-section (2) have been made;

(g) “student” includes a person seeking admission as a student;

(h) “university” means a university or institution referred to in sub-section (1) of section 22.

(2) Without prejudice to the generality of the provisions of section 12, if, having regard to —

(a) the nature of any course of study for obtaining any qualification from any university;

(b) the types of activities in which persons obtaining such qualification are likely to be engaged on the basis of such qualification;

(c) the minimum standards which a person possessing such qualification should be able to maintain in his work relating to such activities and the consequent need for ensuring, so far as may be, that no candidate secures admission to such course of study by reason of economic power and thereby prevents a more meritorious candidate from securing admission to such course of study; and

(d) all other relevant factors, the Commission is satisfied that it is necessary so to do in the public interest, it may, after consultation with the university or universities concerned, specify by regulations the matters in respect of which fees may be charged, and the scale of fees in accordance with which fees shall be charged in respect of those matters on and from such date as may be specified in the regulations in this behalf, by any college providing for such course of study from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study:

Provided that different matters and different scales of fees may be so specified in relation to different universities or different classes of colleges or different areas.

(3) Where regulations of the nature referred to in sub-section (2) have been made in relation to any course of study, no college providing for such course of study shall—

(a) levy or charge fees in respect of any matter other than a matter specified in such regulations;

(b) levy or charge any fees in excess of the scale of fees specified in such regulations, or

(c) accept, either directly or indirectly, any payment (otherwise than by way of fees) or any donation or gift (whether in cash or kind), from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study.

(4) If, after making, in relation to a college providing for a specified course of study, an inquiry in the manner provided by regulations, and after giving such college a reasonable opportunity of being heard, the Commission is satisfied that such college has contravened the provisions of sub-section (3), the Commission may, with the previous approval of the Central Government, pass an order prohibiting such college from presenting any students then undergoing such course of study therein to any university for the award of the qualification concerned.

(5) The Commission shall forward a copy of the order made by it under sub-section (4) to the university concerned, and on and from the date of receipt by the university of a copy of such order, the affiliation of such college to such university shall, in so far as it relates to the course of study specified in such order, stand terminated and on and from the date of termination of such affiliation and for a period of three years thereafter affiliation shall not be granted to such college in relation to such or similar course of study by that or any other university.

(6) On the termination of the affiliation of any college under sub-section (5), the Commission shall take all such steps as it may consider appropriate for safeguarding the interests of the students concerned.

(7) The provisions of this section and the regulations made for the purposes of this section shall have effect notwithstanding anything in-

consistent therewith contained in any other law for the time being in force.

4. Amendment of section 14.—In section 14 of the principal Act, after the words "If any University", the words, brackets, figures and letter "grants affiliation in respect of any course of study to any college referred to in sub-section (5) of section 12A in contravention of the provisions of that sub-section or" shall be inserted.

5. Amendment of section 25.—In section 25 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The power to make rules conferred by this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable."

6. Amendment of section 26.—In section 26 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening paragraph, for the words "may make regulations", the words "may, by notification in the Official Gazette, make regulations" shall be substituted;

(ii) after clause (g), the following clauses shall be inserted, namely:—

"(h) regulating the establishment of institutions referred to in clause (ccc) of section 12 and other matters relating to such institutions;

(i) specifying the matters in respect of which fees may be charged, and scales of fees in accordance with which fees may be charged, by a college under sub-section (2) of section 12A;

(j) specifying the manner in which an inquiry may be conducted under sub-section (4) of section 12A."

(b) in sub-section (2), after the word, brackets and letter "clause (d)", the words, brackets and letters, "or clause (h) or clause (i) or clause (j)" shall be inserted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The power to make regulations conferred by this section [except clause (i) and clause (j) of sub-section (1)] shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable."

7. Amendment of section 27.—In section 27 of the principal Act, in sub-section (1), for the words "by regulations made", the words "by regulations made, by notification in the Official Gazette," shall be substituted.

8. Insertion of new section 28. — After section 27 of the principal Act, the following section shall be inserted, namely: —

“28. Laying of rules and regulations before Parliament. — Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.”

9. Validation. — No rule made, or purporting to have been made, with retrospective effect, under section 25 of the principal Act before the commencement of this Act shall be deemed to have been invalid or ever to have been invalid merely on the ground that such rule was made with retrospective effect and accordingly every such rule and every action taken or thing done thereunder shall be as valid and effective as if the provisions of section 25 of the principal Act, as amended by this Act, were in force at all material times when such rule was made or action or thing was taken or done.

Notification

8/3/85-L.A.B.

The Representation of the People (Amendment) Act, 1985 (No. 9 of 1985) which was passed by Parliament and assented to by the President on 16th February, 1985 and published in the Gazette of India, Extraordinary, Part II Section 1 dated 16-2-1985 is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 3rd June, 1985.

The Representation of the People (Amendment) Act, 1985

AN

ACT

further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Representation of the People (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on the 20th day of November, 1984.

2. Insertion of new section 73A. — In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), after section 73, the following section shall be inserted, namely: —

“73A. Special provision as to certain elections. — Notwithstanding anything contained in section 73 or in any other provision of this Act, with respect to the general election for the purpose of constituting a new House of the People upon the expiry of the term of the House of the People in existence on the commencement of the Representation of the People (Amendment) Act, 1985, —

(a) the notification under section 73 may be issued without taking into account the Parliamentary constituencies in the State of Assam and the Parliamentary constituencies in the State of Punjab; and

(b) the Election Commission may take the steps in relation to elections from the Parliamentary constituencies in the State of Assam and the Parliamentary constituencies in the State of Punjab separately and in such manner and on such dates as it may deem appropriate.”

3. Repeal and saving. — (1) The Representation of the People (Amendment) Ordinance, 1984, is hereby repealed. 15 of 1984

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

LD/8/3/85-L. A. B.

The Foreign Contribution (Regulation) Amendment Act, 1985 (1 of 1985) which was passed by Parliament and assented to by the President of India on 31st January, 1985 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 1st February, 1985 is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 22nd May, 1985.

The Foreign Contribution (Regulation) Amendment Act, 1985

AN

ACT

to amend the Foreign Contribution (Regulation) Act, 1976.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Foreign Contribution (Regulation) Amendment Act, 1985.

(2) The provisions of this Act, other than sections 4 and 6, shall be deemed to have come into force on the 20th day of October, 1984, and sections 4 and 6 shall be deemed to have come into force on the 1st day of January, 1985.

2. **Amendment of section 2.** — In section 2 of the Foreign Contribution (Regulation) Act, 1976 (hereinafter referred to as the principal Act), in sub-section (1), —

(a) in clause (c), the following *Explanation* shall be inserted at the end, namely: —

“Explanation. — A donation, delivery or transfer of any article, currency or foreign security referred to in this clause by any person who has received it from any foreign source, either directly or through one or more persons, shall also be deemed to be foreign contribution within the meaning of this clause;”

(b) for clause (g), the following clause shall be substituted, namely: —

‘(g) “political party” means —

(i) an association or body of individual citizens of India —

(1) which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968, as in force for the time being; or

(2) which has set up candidates for election to any Legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968;

(ii) a political party mentioned in column 1 of Table I to the notification of the Election Commission of India No. 56/J & K/84, dated the 27th September, 1984, as in force for the time being;”

3. **Amendment of section 4.** — In section 4 of the principal Act, in sub-section (1), in clause (c), for the words “Government servant”, the words “Judge, Government servant” shall be substituted.

4. **Amendment of section 6.** — In section 6 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely: —

“(1) No association [other than an organisation referred to in sub-section (1) of section 5] having a definite cultural, economic, educational, religious or social programme shall accept foreign contribution unless such association, —

(a) registers itself with the Central Government in accordance with the rules made under this Act; and

(b) agrees to receive such foreign contributions only through such one of the branches of a bank as it may specify in its application for such registration,

and every association so registered shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as

to the amount of each foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by it:

Provided that where such association obtains any foreign contribution through any branch other than the branch of the bank through which it has agreed to receive foreign contribution or fails to give such intimation within the prescribed time or in the prescribed manner, or gives any intimation which is false, the Central Government may, by notification in the Official Gazette, direct that such association shall not, after the date of issue of such notification, accept any foreign contribution without the prior permission of the Central Government.

(1A) Every association referred to in sub-section (1) may, if it is not registered with the Central Government under that sub-section, accept any foreign contribution only after obtaining the prior permission of the Central Government and shall also give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by it.”

5. **Amendment of section 9.** — In section 9 of the principal Act, in the opening portion, for the words “Government servant”, the words “Judge, Government servant” shall be substituted.

6. **Amendment of section 10.** — In section 10 of the principal Act, in clause (b), for the words and figure “require any association, specified in section 6”, the words, brackets and figures “without prejudice to the provisions of sub-section (1) of section 6, require any association specified in that sub-section” shall be substituted.

7. **Amendment of section 14.** — In section 14 of the principal Act, for the words and figure “class I post”, at both the places where they occur, the words and letter “Group A post” shall be substituted.

8. **Insertion of new section 15A.** — After section 15 of the principal Act, the following section shall be inserted, namely: —

“15A. **Audit of accounts.** — Where any organisation or association fails to furnish any returns under this Act within the time specified therefor or the returns so furnished are not in accordance with law or if, after inspection of such returns, the Central Government has any reasonable cause to believe that any provision of this Act has been, or is being, contravened, that Government may, by general or special order, authorise such gazetted officer, holding a Group A post, as it may think fit, to audit any books of account kept or maintained by such organisation or association, as the case may be, and thereupon every such officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of auditing the said books of account:

Provided that any information obtained from such audit shall be kept confidential and shall not be disclosed except for the purposes of this Act."

9. **Insertion of new section 25A.**—After section 25 of the principal Act, the following section shall be inserted, namely:—

"25A. **Prohibition of acceptance of foreign contribution.**—Notwithstanding anything contained in this Act, whoever, having been convicted of any offence under sub-section (1) of section 23 or section 25, in so far as such offence relates to the

acceptance or utilisation of foreign contribution, is again convicted of such offence shall not accept any foreign contribution for a period of three years from the date of the subsequent conviction."

10. **Repeal and saving.**—(1) The Foreign Contribution (Regulation) Amendment Ordinance, 1984, is hereby repealed. 12 of 1984.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.